



CIRCUIT COURT OF THE STATE OF OREGON
FOURTH JUDICIAL DISTRICT
MULTNOMAH COUNTY COURTHOUSE
1021 SW FOURTH AVENUE
PORTLAND, OR 97207-1123

Patrick W. Henry
Circuit Court Judge

Telephone: 503.988.5010
Fax: 503.276-0972

DATE: April 22, 2020
TO: Probate and Elder Law Practitioners and Other Interested Parties
FROM: Hon. Patrick W. Henry, Multnomah County Chief Probate Judge
RE: Multnomah County Probate COVID-19 Update

Dear All:

I am writing to wish you all well and to update you on the current status of matters as they relate to the Multnomah County Probate Department.

Suspension of contested hearings except for temporary fiduciaries. Pursuant to the April 10, 2020, Multnomah County Presiding Judge Order, **the only matters currently being set for an appearance will be for the appointment of a temporary fiduciary, the extension of a temporary fiduciary, or emergency protection orders.** No other hearings on contested matters are being set at this time. At present, this restriction shall continue until June 1, 2020 or until further order of the court, depending on the circumstances surrounding the COVID-19 virus.

All appearances will be conducted via telephone. Attorneys will be given call-in numbers and access codes by Probate Staff via email prior to the appearance. To the extent that a party wishes to raise an objection to any witness appearing telephonically, the objection must be raised at the time of the telephonic hearing.

Proposed judgments and orders are being processed but expect delays. Three Multnomah County Probate Department staff are currently working remotely. The backlog of orders/judgments has been reduced significantly in the past two weeks. The Probate Auditors are triaging these orders/judgments to prioritize urgent matters. If you have an emergency and need your proposed judgment/order to be expedited, you may send an email to MUL.Probate@ojd.state.or.us. Probate staff are accessing email daily.

File & Serve (the e-filing system) WILL be reviewed and processed. Expect delays, but the filings will be reviewed.

There is no staff currently available to process requests for certified copies or certified letters in any case. In lieu of certified letters, we are recommending that attorneys provide a copy of the signed judgment in conjunction with a printout of the case register showing that the Letters event was entered. The court has also drafted a letter that you may provide to financial institutions or other interested persons. As indicated in the letter, Probate staff are available to respond to third party questions about a fiduciary's authority at the court's email address, MUL.Probate@ojd.state.or.us.

The customary requirement of filing an original, hard copy of a copy of a will before the entry of letters has been suspended. The court will set a later due date for the submission of the original will. The clerk will enter the letters event even though certified letters cannot be issued immediately. The bond requirement, if applicable, still applies and the Letters event will not be entered before the bond is approved.

Paper filings are not being processed at this time. There are drop boxes set up on site for the filing of paper pleadings, but these filings will not be processed until Probate Staff return to the office. Pro se filers will be encouraged to create a File & Serve account (when possible) to reduce delays in processing these filings. File & Serve information is available here: <https://www.courts.oregon.gov/services/online/Pages/efile.aspx>

Court Visitors will need to be paid directly. This change will be in effect as long as the current restrictions are in place. You will be expected to file proof of payment (declaration of mailing payment). Please pay the visitors immediately upon notification of the order appointing visitor. The court visitor fee is \$550.

Temporary Guardianships: Practitioners need to be aware that the Court will continue to insist that petitioners comply with legal requirements associated with protecting the rights of proposed protected persons. With that in mind, the Court recognizes that these are unprecedented and extraordinary circumstances. The meaning of "immediate and serious danger" must be evaluated in light of this global pandemic. In addition, the immediacy of the virus' threat to elderly and otherwise medically compromised individuals may impact whether two days is a realistic timeframe for providing notice. Nonetheless, the "clear and convincing" standard still applies and any application for waiver of notice needs to meet that exacting standard.

Thank you for your patience and professionalism.

Sincerely,



Circuit Court Judge Patrick W. Henry